



Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

JUL 1 - 2009

CERTIFIED MAIL# 7008 1140 0004 4744 0730
RETURN RECEIPT REQUESTED

Aurelio Blasco, President
Hydrocarbon Recovery Services, Inc. dba FCC Environmental
14950 Heathrow Forest Pkwy.
Houston, TX 77032

Subject: Warning Letter # 09-0056HW06SED
Hazardous Waste Compliance Evaluation Inspection at FCC Environmental,
1280 NE 48th St., Pompano Beach, FL 33064, EPA ID # FLD984262410

Dear Mr. Blasco:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance evaluation inspection conducted on October 13, 2008, at your permitted used oil processing facility, indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Department of Environmental Protection ("Department") personnel observed possible violations regarding hazardous waste management. The observations of the Department are in the attached inspection report.

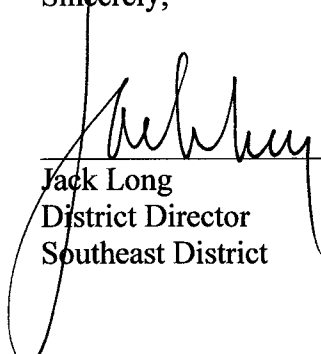
Section 403, Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 279 as adopted in Chapter 62-730, Florida Administrative Code (F.A.C.) and Chapter 62-710, F.A.C. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of penalties up to \$50,000.00 per violation per day pursuant to Section 403.727, Florida Statutes.

You are requested to contact Ms. Kathy Winston at the address above or 561/681-6756 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. However, we must be given the names and positions of any persons you intend to bring to the meeting and we must have the information at least five days before the meeting.

If after further investigation, the Department determines that the violations occurred, this matter may be resolved through entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with the Department's July 17, 2007 "Settlement Guidelines for Civil Administrative Penalties" and the RCRA Civil Penalty Policy of May 2008, the penalty proposed in the case is \$23,721.00 plus \$500.00 for costs and expenses.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Jack Long
District Director
Southeast District

7-1-09

Date


JL/JWL/KK/kw

Attachments: Hazardous Waste Inspection Report
 Penalty Justification Worksheets

cc: West Palm Beach DEP File/Archboard
 Aliko Moncrief, Office of General Counsel
 Michael Redig via Oculus
 Dee Dupuy, Broward County EPD
 Bernie Korzekwinski, Hydrocarbon Recovery Services, Inc.



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: FCC Environmental

On-Site Inspection Start Date: 10/13/2008

On-Site Inspection End Date: 10/13/2008

ME ID#: 28736

EPA ID#: FLD984262410

Facility Street Address: 1280 NE 48th St, Pompano Beach, Florida 33064-4909

Contact Mailing Address: 5690 W Midway Rd Ste B, Fort Pierce, Florida 34981-4833

County Name: Broward

Contact Phone: (954) 785-2320

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

Transfer Facility

Used Oil

INSPECTION TYPE:

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Used Oil Generator facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R. Winston, Inspector

Other Participants: Jowana Knight, Environmental Specialist; Anthony Fuoco, Transportation Supervisor; Tyrone Halfhill, Yard Supervisor; Dee Dupier

LATITUDE / LONGITUDE: Lat 26° 17' 22.5635" / Long 80° 6' 23.2854"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

Hydrocarbon Recovery Services, Inc. is a full-service recycling, recovery and remediation company dba FCC Environmental that has been operating at this location since 1993. The facility sits on approximately 4 acres and the company employs 22 people; 15 of whom work in operations. The facility is connected to city water and sewer. FCC is currently registered as a hazardous waste transporter and transfer facility. FCC is a used oil transporter, transfer facility, processor and marketer. FCC is also a used oil filter transporter, transfer facility and processor, however, no filter processing is occurring on-site at this time. FCC is also in the parts washer business; both sales and service.

Process Description:

The facility maintains a tank farm area with a capacity of 432,000 gallons, a wastewater pre-treatment plant, a used oil processing area, a hazardous waste 10-day transfer area and a truck repair garage. The garage is rarely used as most repairs are contracted out.

Inspection Date: 10/13/2008

A trailer containing spill response equipment is stationed near the garage and is designed for on-site use if needed. The entire facility is surrounded by a 10-foot high concrete wall and, according to FCC's records, has an impervious base consisting of three feet of reinforced concrete over 60-mil geothermic lining. Telephones and fire extinguishers are stationed throughout the facility for easy access.

The inspectors found several issues in the hazardous waste transfer facility area including lack of aisle space and improperly contained Universal Waste lamps that were not labeled. Stored in the rear corner of the hazardous waste transfer facility area, inspectors found a green drum whose faded hazardous waste sticker was not legible. Facility representatives were unsure of the container's content.

The solid waste collection area is contained by a "speed bump" type of containment. In this area and near the western end of the pole barn were several empty drums, two of which had no bungs and were being allowed to collect rainwater. In this same area was an over sized orange poly drum that had been cut in half. It was open and appeared to contain oily water with trash and personnel protective equipment floating on top. Along with these other drums was a product grease drum left open to the elements. The solid waste consolidation rollofs were not labeled or covered and next to the sludge rolloff were six drums waiting consolidation with no covers and rainwater collecting on top.

Record Review - General facility inspection logs were not available for review and there were no records indicating that FCC's drivers had received appropriate DOT training. The Contingency Plan had the wrong person as the facility's emergency coordinator and lacked a list of the specifications, capabilities and locations of emergency response equipment. One manifest was found to have no waste codes and the facility's Used Oil transporter registration was not posted in a conspicuous place.

New Potential Violations and Areas of Concern:

Transporters Checklist

Type:	Area Of Concern
Rule:	263.20
Question Number:	1.40
Question:	Do the manifests contain at least:
Explanation:	One manifest (002999690) had no waste codes.
Corrective Action:	Hydrocarbon Recovery Services should not receive waste without a properly filled out manifest.

Type:	Violation
Rule:	264.15(b)(2)
Question Number:	1.270
Question:	Does the facility have completed inspection logs?
Explanation:	Facility could not provide copies of a facility inspection log.
Corrective Action:	Please begin following the facility inspection plan in your permit and submit copy with three weeks of the log filled out.

Type:	Violation
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Inspection Date: 10/13/2008

Rule: 265.16(a)(3)

Question Number: 1.360

Question: Does training include emergency response procedures, inspection procedures, and operation of hazardous waste handling equipment?

Explanation: There was no evidence that drivers had the appropriate DOT training in the last three years.

Corrective Action: Provide proof that all drivers are up to date on DOT training.

Type: Violation

Rule: 265.35

Question Number: 1.520

Question: Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between barrels to check for leakage, corrosion and proper labeling, etc.)

Explanation: Drums in transfer facility area stacked on top of one another and too close together to inspect properly.

Corrective Action: Please separate drums in transfer facility area so container inspections can be performed properly.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Rule: 273.14(e)

Explanation: Universal Waste lamps were not properly labeled.

Corrective Action: Properly label Universal Waste lamps and send photo.

Type: Violation

Rule: 262.11

Explanation: There was a green drum in the transfer facility area that had a faded hazardous waste sticker on it, however, facility representatives were unable to identify the contents.

Corrective Action: Please preform a waste determination on this drum and provide Department information as to its' content.

Type: Area Of Concern

Rule: 62-710.500(4)

Explanation: Current used oil transporter registration was not displayed in lobby.

Corrective Action: Please replace with current document when received from Tallahassee.

Type: Violation

Inspection Date: 10/13/2008

Rule: 279.52(a)(1)

Explanation: Oily solid waste containers were open to the elements and collecting rainwater which could cause a release to the environment.

Corrective Action: Please properly cover and label all solid waste rollofs and containers and provide pictures.

Type: Violation

Rule: 265.54(d)

Explanation: The emergency coordinator in the facility's contingency plan no longer works at this facility.

Corrective Action: Please update the emergency coordinator information in the facility's contingency plan and provide the updated pages to the Department and the appropriate local authorities.

Type: Violation

Rule: 265.52(e)

Explanation: The facility's contingency plan did not include a list of the specifications, capabilities or locations of emergency response equipment.

Corrective Action: Please provide information pertaining to the specifications, capabilities, and locations of emergency equipment on site.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Transporters Checklist			
264.15(b)(2)		10/13/2008	Facility could not provide copies of a facility inspection log.
265.16(a)(3)		10/13/2008	There was no evidence that drivers had the appropriate DOT training in the last three years.
265.35		10/13/2008	Drums in transfer facility area stacked on top of one another and too close together to inspect properly.
Checklist Independent Violations			
273.14(e)		10/13/2008	Universal Waste lamps were not properly labeled.
262.11		10/13/2008	There was a green drum in the transfer facility area that had a faded hazardous waste sticker on it, however, facility representatives were unable to identify the contents.
279.52(a)(1)		10/13/2008	Oily solid waste containers were open to the elements and collecting rainwater which could cause a release to the environment.
265.54(d)		10/13/2008	The emergency coordinator in the facility's contingency plan no longer

Inspection Date: 10/13/2008

Rule Number	Area	Date Cited	Explanation
265.52(e)		10/13/2008	works at this facility. The facility's contingency plan did not include a list of the specifications, capabilities or locations of emergency response equipment.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Transporters Checklist 263.20		10/13/2008	One manifest (002999690) had no waste codes.
Checklist Independent Areas of Concern 62-710.500(4)		10/13/2008	Current used oil transporter registration was not displayed in lobby.

Conclusion:

Based on the inspection, FCC appears to generate less than 100 kg of hazardous waste per month which would classify them as a Conditionally Exempted Small Quantity Generator (CESQG), however, as a permitted facility FCC has obligations beyond their generation status. An exit interview was conducted at the conclusion of the inspection which addressed the potential violations listed above.

The facility was found to be out of compliance at the time of the inspection. The facility was given 30 days to return to compliance.

Inspection Date: 10/13/2008

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R Winston

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

6/10/2009

DATE

Jowana Knight

INSPECTOR NAME

Environmental Specialist

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Dee Dupier

INSPECTOR NAME

NO SIGNATURE

INSPECTOR SIGNATURE

Broward Co. EPD

ORGANIZATION

Anthony Fuoco

REPRESENTATIVE NAME

Transportation Supervisor

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Hydrocarbon

ORGANIZATION

Tyrone Halfhill

REPRESENTATIVE NAME

Yard Supervisor

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Hydrocarbon

ORGANIZATION

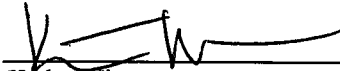
Inspection Date: 10/13/2008


NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.


PENALTY COMPUTATION WORKSHEET

Facility Name: Hydrocarbon Recovery Services, Inc dba FCC Environmental
Facility Address: 1280 NE 48th St., Pompano Beach, FL 33064

Department Staff Responsible for the Penalty Computations:


Kathy Winston


Karen Kantor

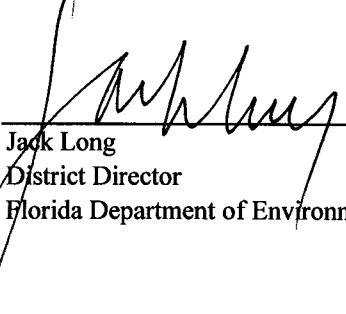

Robyn Begley

Date: 6/30/09

PART I - Class A Penalty Determinations

	Alleged Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
1	40 CFR Part 264.15(b)(2) General Facility Inspection Logs	Minor	Minor	\$644				\$644
2	40 CFR Part 265.16(a)(3) Training	Moderate	Moderate	\$10,315	N/A		N/A	\$10,315
3	40 CFR Part 265.35 Aisle Space	Minor	Minor	\$644				\$644
4	40 CFR 273.14(e) Universal Waste Labeling	Minor	Minor	\$644				\$644
5	40 CFR Part 262.11 Waste determination	Minor	Major	\$3,868			N/A	\$3,868
6	40 CFR Part 279.52(a)(1) Preparedness & Prevention	Minor	Major	\$3,868		\$774		\$4,642
7	40 CFR Part 265.54(d) Emergency Coordinator	Minor	Moderate	\$1,933		\$387		\$2,320
8	40 CFR Part 265.52(e) Contingency Plan Content	Minor	Minor	\$644				\$644
							Total:	\$23,721

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations" and "Guidelines for Characterizing Used Oil Violations", both revised as of May 2008. Certain violations require Potential for Harm Ranking System characterization and have been utilized where applicable; refer to the attached Ranking System for Potential for Harm worksheet. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.


Jack Long
District Director
Florida Department of Environmental Protection Southeast District

7-1-09
Date

PENALTY COMPUTATION WORKSHEET

Facility Name: Hydrocarbon Recovery Services, Inc dba FCC Environmental
Facility Address: 1280 NE 48th St., Pompano Beach, FL 33064

Part II - Multi-day Penalties and Adjustments

Adjustments:

Dollar Amount:

Good Faith/lack of good Faith prior to Discovery:

Justification:

Good Faith/lack of good Faith after Discovery:

Justification:

History of Non-Compliance:

\$1,161

Justification: A 20 % upper adjustment was assessed on violations 6 & 7 because these same violations were found at the last inspection.

Economic Benefit of Non-Compliance:

Justification: Economic Benefit is mandatory for violation number 5, however, analyses of the unknowns indicated it to be used oil and and oily solids.

Ability to pay:

Justification:

Multi-Day Penalties:

Dollar Amount:

Number of days adjustment factor(s) to be applied:

Justification:

Number of days matrix amount is to be multiplied:

Justification:

Part III-Other Adjustments Made After Meeting With Responsible Party

Adjustments:

Dollar Amount:

Relative Merits of the Case:

Resource Consideration:

Other Justification:

Jack Long
District Director
Florida Department of Envir

*Do not sign
at this time*

District

RANKING SYSTEM FOR POTENTIAL FOR HARM WORKSHEET FOR HAZARDOUS WASTE VIOLATIONS

FACILITY NAME: Hydrocarbon Recovery Services, Inc dba FCC Environmental

	Alleged Violation Type	Nature of Waste	Amount of Waste	RECEPTORS		Total Score
				Discharges	Affected Population	
3	40 CFR Part 265.35 - Aisle Space	4	5	1	2	12
5	40 CFR Part 262.11 - Waste Determination	4	2	1	2	10

Assigned by:

Kathy Winston

Karen Kantor

Robyn Begley

Date: 6/30/09

HAZARDOUS WASTE SCORING SYSTEM

Nature of Waste	Amount of Waste	Receptors	
		Discharges	Affected Population
CATEGORY A = 8 (High hazard wastes)	> 25 drums = 8	Discharge = 4	> 1000 People = 4
	6 - 25 drums = 5	Potential Discharge = 4	100 - 1000 People = 3
CATEGORY B = 4 (Typical hazardous wastes)	< 6 drums = 2	No Discharge = 1	10 - 100 People = 2
			< 10 People = 1

If the Total Score is

19-24

13-18

8-12

Then the Potential for Harm is

MAJOR

MODERATE

MINOR